

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

VICTOR HERNANDEZ,

Plaintiff,

v.

CITY OF PHILADELPHIA, et al.,

Defendants.

CIVIL ACTION

NO. 22-0027-KSM

ORDER

AND NOW, this 19th day of September, 2022, upon consideration of Defendant City of Philadelphia's Second Motion to Dismiss for Failure to State a Claim (Doc. No. 25), Plaintiff's Response to Defendant City of Philadelphia's Motion to Dismiss Plaintiff's Amended Complaint (Doc. No. 26), Defendants Commissioner Carney, Deputy Warden Butler, and Deputy Warden Rose's Motion to Dismiss for Failure to State a Claim (Doc. No. 28), and Plaintiff's Response to Defendants Carney, Rose, and Butler's Motion to Dismiss Plaintiff's Amended Complaint (Doc. No. 29), it is **HEREBY** ordered as follows:

1. The City of Philadelphia's Motion (Doc. No. 25) is **DENIED**.
2. Defendants Commissioner Carney, Deputy Warden Butler, and Deputy Warden Rose's Motion (Doc. No. 28) is **DENIED**.

IT IS SO ORDERED.

/s/ Karen Spencer Marston

KAREN SPENCER MARSTON, J.